

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

rf5531

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IN RE:

CHAPTER 7

BRIAN AND DENISE FARLEY

CASE NO.: 10-76019
NOTICE OF PRESENTMENT OF
ORDER TO REOPEN CASE

Debtor.

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PLEASE TAKE NOTICE that an Order will be presented by Richard S. Feinsilver, Esq., attorney for debtor, to the HON. ALAN S. TRUST, at Chambers, at 290 Federal Plaza, Room 960, Central Islip, New York 11722, on the 12th day of January, 2011. The proposed Order, a copy of which is annexed hereto, shall grant relief to the Debtors herein, pursuant to 11 U.S.C. Sections 350(b) and 365 allowing the debtors to reopen their Chapter 7 case for the limited purposes of filing a Stipulation to assume an Auto Lease Agreement with Ford Motor Credit.

PLEASE TAKE FURTHER NOTICE that if you have any good reason to object to the granting of the proposed Order, you must do so in writing at least seven (7) calendar days before the Order is to be signed; and you must serve the undersigned and all other entities to whom this motion has been noticed, as indicated below, with the Clerk of the Court the original of your objections, together with proof of service. If no proper objections are timely filed and served, and if the Judge is satisfied from the application that the moving party is entitled to the relief sought, the Court may sign the Order without further notice or a hearing.

If proper objections are timely filed and served, a hearing on this application shall be scheduled by the Chambers of the Hon. Alan S. Trust.

Dated: Carle Place, New York
December 22, 2010

s/Richard S. Feinsilver

Richard S. Feinsilver (RSF5531)
Attorney for the Debtor
One Old Country Road
Suite 125
Carle Place, New York 11514
516-873-6330

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Chapter 7

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Case No: 10-76019-AST

In re:

BRIAN AND DENISE FARLEY

ORDER REOPENING CHAPTER 7
CASE TO ALLOW FILING OF
A STIPULATION ASSUMING AUTO
LEASE AGREEMENT

Debtor

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UPON THE application of the debtor, BRIAN AND DENISE FARLEY, seeking an order to reopen the instant case in order to allow the filing of a Stipulation with Ford Motor Credit Corp/CAB East LLC to assume an auto lease agreement, and notice of this application having been served upon the Office of The United States Trustee, Kenneth Kirschenbaum, Esq., the Panel Trustee assigned to this case and the affected creditors, and no party in interest having appeared or submitted papers in opposition thereto, and this Court, after due deliberation and sufficient cause appearing therefore, it is

ORDERED that the above captioned debtor's bankruptcy case is re-opened for the limited purpose of allowing the debtors to file the Stipulation Assuming Lease Agreement annexed to the application; and it is further

ORDERED that upon the filing of such Stipulation, the Clerk of the Court is hereby directed to re-close this case; and it is further

ORDERED that a copy of this order be served upon all creditors and the case trustee within five days of the entry of this Order, and that the debtor, within five days thereafter, file with the Court proof that such service has been made.

Dated:

Central Islip, New York

Alan S. Trust
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X Case No.: 10-76019-ast
In re:

BRIAN AND DENISE FARLEY

APPLICATION TO REOPEN
CHAPTER 7 CASE PURSUANT
TO SECTION 350(b)

Debtors.

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TO THE HONORABLE ALAN S. TRUST, UNITED STATES BANKRUPTCY JUDGE:

The application of BRIAN AND DENISE FARLEY, by their attorney, Richard S. Feinsilver, the Debtor requests that the above captioned case be reopened pursuant to 11 U.S.C. Section 350(b) in order to afford relief to the debtor, and in support thereof avers as follows:

1. The debtor filed a bankruptcy petition pursuant to Chapter 7 of the Bankruptcy Code on August 2, 2010. The debtors received a discharge pursuant to 11 U.S.C. Section 727 on November 2, 2010 (see Exhibit "A"). The case has subsequently been closed.

2. At all times herein, the debtors have been the lessee of a 2010 Ford Escape automobile. This property is encumbered by a lien held by Ford Motor Credit Corp.

3. Although at all times herein, the debtors were current in the remittance of their auto lease payments, Ford has informed the debtors that they would no longer accept payments and would seek recovery of the subject vehicle absent the execution and filing of a stipulation to assume the subject lease agreement. (Exhibit B) Unfortunately, as a consequence of the foregoing having occurred subsequent to the closure of this case, the subject assumption agreement cannot be filed absent the instant application.

4. The applicant respectfully requests that their case be reopened pursuant to 11 U.S.C. Section 350(b) for the limited purpose of allowing the filing of the stipulation with Ford.

5. As previously noted in the Court's docket, no assets have been administered by the trustee to which this creditors, or any other creditor of the estate, would be entitled.

6. Based upon the foregoing, the creditor body in this case would not be prejudiced by the reopening of the debtor's case for this limited purpose.

7. The debtor has established that there is sufficient "cause" within the meaning of 11 U.S.C. Section 350(b).

8. Since there is no unique issue at law herein, it is respectfully requested that the filing of a memorandum at law be waived in this matter.

WHEREFORE, applicant prays that the case be reopened pursuant to 11 U.S.C. Sections 350(b) and 365 and Bankruptcy Rule 5010 and that the applicants have such other and further relief as the court may deem proper.

Dated: Carle Place, New York
December 22, 2010

s/Richard S. Feinsilver

Richard S. Feinsilver
Attorney for the Debtor

Form BLdfnd7 (12/01/2007)

United States Bankruptcy Court

Eastern District of New York
290 Federal Plaza, P.O. Box #9013
Central Islip, NY 11722-9013

IN RE:

CASE NO: 8-10-76019-ast

Brian J Farley

Denise A Farley

5 Pheasant Court
Stony Brook, NY 11790

5 Pheasant Court
Stony Brook, NY 11790

Name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address.

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer ID No.:

CHAPTER: 7

xxx-xx-0100

xxx-xx-0306

DEBTOR(s)

**DISCHARGE OF DEBTOR(S)
ORDER OF FINAL DECREE**

A petition under title 11, United States Code was filed by or against the Debtor(s) on August 2, 2010; an order for relief was entered under Chapter 7; no order denying a discharge has been granted.

It appearing that the debtor(s) is entitled to a discharge and the estate of the above named debtor(s) has been fully administered.

IT IS ORDERED:

- The debtor(s) is granted a discharge under Section 727 of Title 11, United States Code, (the Bankruptcy Code).
- Kenneth Kirschenbaum (Trustee) is discharged as trustee of the estate of the above-named debtor(s) and the bond is cancelled.
- The Chapter 7 case of the above-named debtor(s) is closed.

BY THE COURT

Dated: November 2, 2010

s/ Alan S. Trust
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

(MM)

In Re: Case No. 10-76019-AST
(Chapter 7)

BRIAN J. FARLEY AND
DENISE A. FARLEY,

Debtors.

STIPULATION AND ORDER

WHEREAS, the debtors, Brian J. Farley and Denise A. Farley, filed a Chapter 7 bankruptcy proceeding on August 2, 2010.

WHEREAS, Cab East, LLC is the record owner of one (1) 2010 Ford Edge (V.I.N. 2FMDK4KC8ABA95641) (hereinafter "property") in the possession and control of Brian J. Farley. A copy of the Certificate of Title is annexed hereto as Exhibit "A" and made a part hereof.

WHEREAS, On February 24, 2010, Schultz Ford Lincoln Mercury, Inc., as lessor and Brian J. Farley, as lessee entered into a Lease Agreement pursuant to which the lessee leased the property from the dealer at the rate of \$475.00 per month for a term of twenty-four (24) months, commencing February 24, 2010. A copy of the Lease Agreement is also annexed hereto as Exhibit "A" and made a part hereof.

WHEREAS, pursuant to 11 U.S.C. Section 365(p), the debtor may assume or reject an unexpired lease of personal property.

NOW, upon all pleadings and proceedings heretofore had herein, the parties hereby stipulate to the following:

1. That pursuant to 11 U.S.C. Section 365 (p), the debtor agrees to assume the Motor Vehicle Lease Agreement dated February 24, 2010 relative to one (1) 2010 Ford Edge (V.I.N. 2FMDK4KC8ABA95641).
2. The liability is assumed by the debtor and not by the estate.

EXHIBIT B

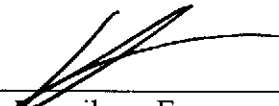
3. That the terms of this Stipulation shall be null and void in the event that the Chapter 7 Trustee acts to assume the underlying Lease Agreement pursuant to 11 U.S.C. Section 365 within the context of this bankruptcy proceeding in timely fashion.

DATED: August __, 2010
Albany, New York

Yours, etc.

Martin A. Mooney, Esq.
DEILY, MOONEY & GLASTETTER, LLP
Attorneys for Cab East, LLC
Office and P.O. Address:
8 Thurlow Terrace
Albany, New York 12203
Tel: (518) 436-0344

DATED: August __, 2010



Richard S. Feinsilver, Esq.
Attorney for Debtors
Office and P.O. Address:
1 Old Country Road
Suite 125
Carle Place, New York 11514
Tel: (516) 873-6330

SO-ORDERED this __ day of
August, 2010

Alan S. Trust
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X rf5531
IN RE:

BRIAN AND DENISE FARLEY

Case No.: 810-76019-ast

CHAPTER 7

Debtor(s) AFFIRMATION OF SERVICE

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The undersigned attorney, duly admitted to practice before this Court, affirms the following to be true under the penalties of perjury:

1. That he is the attorney for the debtor in the instant case.
2. That on the 22nd of December, 2010, your affiant served a copy of the within Notice of Presentment, Proposed Order and Supporting Documents upon

US Trustee, 560 Federal Plaza, Central Islip, NY 11722
Kenneth Kirschenbaum, 200 Garden City Plaza, Garden City NY 11530
Ford Motor Credit Company, c/o Deily Mooney and Glastetter, 8 Thurlow Terrace, Albany NY 12203

the address(es) designated by said attorney and party for that purpose by depositing a true copy of same to each attorney and party, via first class mail, enclosed in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: December 22, 2010
Carle Place, New York

s/Richard S. Feinsilver

RICHARD S. FEINSILVER (RSF5531)